

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

RICHARD L. BIBBS,

Plaintiff,

v.

CIVIL ACTION NO. 5:06-cv-00461

DESOTO'S OF BECKLEY, INC.,

Defendant.

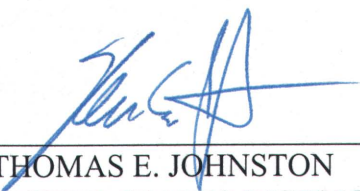
JUDGMENT ORDER

By Standing Order entered on July 21, 2004, and filed in this case on June 15, 2006, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). Magistrate Judge VanDervort filed his PF&R on August 6, 2007 [Docket 11]. In that filing, the magistrate judge recommended that this Court grant Plaintiff's Motion to Dismiss [Docket 9], deny Defendant's Motion for a More Definite Statement [Docket 8] as moot, and remove this matter from the Court's docket. This Court adopts Magistrate Judge VanDervort's recommendation in its entirety.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In this case, pursuant to 28 U.S.C. § 636(b)(1)(B), and Rule 6(e) and 72(b) of the Federal Rules of Civil Procedure, objections to the PF&R were due by August 23, 2007. To date, no objections have been filed.

Accordingly, the Court hereby **GRANTS** Plaintiff's Motion to Dismiss [Docket 9], **DENIES** as moot Defendant's Motion for More Definite Statement [Docket 8], and **DIRECTS** the Clerk to remove this action from the Court's docket. The Court further **DIRECTS** the Clerk to send a copy of this Judgment Order to counsel of record and any unrepresented party.

ENTER: November 8, 2007



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE